

**ASSEMBLY BILL**

**No. 996**

**Introduced by Assembly Member Wiggins**

February 20, 2003

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An act to amend Section 11413 of the Penal Code, relating to terrorism.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as introduced, Wiggins. Terrorism.

Existing law provides that any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any health facility or place where medical care is provided, as specified, for the purpose of terrorizing another or in reckless disregard of terrorizing another is punishable by imprisonment in the state prison for 3, 5, or 7 years, and a fine not exceeding \$10,000. Existing law defines terrorizing as causing a person of ordinary emotions and sensibilities to fear for personal safety.

This bill would specifically include in the definition of terrorizing systematic harassment of medical personnel working at a health facility or any place where medical care is provided by a licensed health care professional, that provides abortion services. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11413 of the Penal Code is amended to  
2 read:  
3 11413. (a) Any person who explodes, ignites, or attempts to  
4 explode or ignite any destructive device or any explosive, or who  
5 commits arson, in or about any of the places listed in subdivision  
6 (b), for the purpose of terrorizing another or in reckless disregard  
7 of terrorizing another is guilty of a felony, and shall be punished  
8 by imprisonment in the state prison for three, five, or seven years,  
9 and a fine not exceeding ten thousand dollars (\$10,000).  
10 (b) Subdivision (a) applies to the following places:  
11 (1) Any health facility licensed under Chapter 2 (commencing  
12 with Section 1250) of Division 2 of the Health and Safety Code,  
13 or any place where medical care is provided by a licensed health  
14 care professional.  
15 (2) Any church, temple, synagogue, or other place of worship.  
16 (3) The buildings, offices, and meeting sites of organizations  
17 that counsel for or against abortion or among whose major  
18 activities are lobbying, publicizing, or organizing with respect to  
19 public or private issues relating to abortion.  
20 (4) Any place at which a lecture, film-showing, or other private  
21 meeting or presentation that educates or propagates with respect  
22 to abortion practices or policies, whether on private property or at  
23 a meeting site authorized for specific use by a private group on  
24 public property, is taking place.  
25 (5) Any bookstore or public or private library.  
26 (6) Any building or facility designated as a courthouse.  
27 (7) The home or office of a judicial officer.  
28 (8) Any building or facility regularly occupied by county  
29 probation department personnel in which the employees perform  
30 official duties of the probation department.  
31 (9) Any private property, if the property was targeted because  
32 of the race, color, religion, ancestry, national origin, disability,  
33 gender, or sexual orientation of the owner or occupant of the  
34 property.



1 (10) Any public or private school providing instruction in  
2 kindergarten or grades 1 to 12, inclusive.

3 (c) As used in this section, “judicial officer” means a  
4 magistrate, judge, justice, commissioner, referee, or any person  
5 appointed by a court to serve in one of these capacities, of any state  
6 or federal court located in this state.

7 (d) As used in this section, “terrorizing” means to cause a  
8 person of ordinary emotions and sensibilities to fear for personal  
9 safety *and includes the systematic harassment of medical*  
10 *personnel working at a health facility licensed under Chapter 2*  
11 *(commencing with Section 1250) of Division 2 of the Health and*  
12 *Safety Code, or any place where medical care is provided by a*  
13 *licensed health care professional, that provides abortion services.*

14 (e) Nothing in this section shall be construed to prohibit the  
15 prosecution of any person pursuant to Section 12303.3 or any other  
16 provision of law in lieu of prosecution pursuant to this section.

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.

